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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/565,931

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Mattheus Jacobus Van Der Meer

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

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BRIARCLIFF MANOR, NY 10510

EXAMINER

DEFRANK, JOSEPH S

ART UNIT

PAPER NUMBER

3724

MAIL DATE

DELIVERY MODE

06/08/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/565,931

Applicant(s)

VAN DER MEER, MATTHEUS  
JACOBUS

Examiner

JOSEPH DEFRANK

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This action is in response to the arguments made in the appeal brief filed on 3/9/09. Claims 1-3 and 5 are pending.
2. In view of the appeal brief filed on 3/9/09, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Boyer D. Ashley/

Supervisory Patent Examiner, Art Unit 3724.

### ***Claim Rejections - 35 USC § 103***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Art Unit: 3724

4. Claims 1-3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka (US 5,577,324; as previously cited) in view of Futterer et al. (US 3,213,536; as previously cited; hereafter, Futterer) and further in view of Bergsma (US 4,355,464).

5. With respect to claims 1-3, Tanaka discloses a shaving apparatus (10) comprising: at least one shaving head (37) comprising at least one cutter (42); a trimmer (72); and a drive structure comprising a motor (16) and a transmission structure (gearing in figure 1 and driving lever 82) for driving the at least one cutter (42) and the trimmer (72); the trimmer (72) being disengageable from the drive structure (see column 8 line 35 through column 9 line 3; in down position, drive lever 82 is not in contact with the motor). Tanaka does not disclose the trimmer (72 being disengageable characterized by reversing means for reversing at least a portion of the drive structure between a first sense of rotation and a second, opposite sense of rotation, through switching circuitry, in response to an action of putting said trimmer into and out of operation; and a unidirectional clutch between at least said portion of the drive structure of which the sense of rotation is reversible and the at least one cutter. Further, Tanaka does not disclose the shaver wherein the number of cycles per unit of time of the driven trimmer is higher than said number of revolutions per unit time of the at least one driven cutter.

Futterer discloses a shaving apparatus comprising: at least one shaving head (16) comprising at least one cutter (41"); a trimmer (15); and a drive structure comprising a motor (27) and a transmission structure (see figures 1-3) for driving the at

Art Unit: 3724

least one cutter (41") and the trimmer (15); the trimmer (15) being disengageable from the drive structure; characterized by reversing means (switch 28) for reversing at least a portion of the drive structure between a first sense of rotation and a second, through switching the circuitry (polarity of the current), opposite sense of rotation, in response to an action of putting said trimmer into and out of operation (through switch 28); and a unidirectional clutch (figure 3) between at least said portion of the drive structure of which the sense of rotation is reversible and the at least one cutter (41"). Futterer essentially teaches that it is known in the art to provide a transmission assembly that selectively drives a shaver when the motor is running in one rotational direction and selectively drive the trimmer when the polarity of the motor is reversed and the motor is rotating in the opposite direction. This type of transmission is used to reduce energy consumption and to reduce unnecessary wear on the blades not being used (column 1, lines 46-70). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide a transmission assembly allowing for selectively operating either the trimmer or the cutter by reversing the polarity of the current to the motor and polarity reversing switch to the shaver of Tanaka in order to selectively operate the cutter or the trimmer to save energy and reduce wear in view of the teachings of Futterer.

The modified apparatus of Tanaka still does not disclose the shaver wherein the number of cycles per unit of time of the driven trimmer is higher than said number of revolutions per unit time of the at least one driven cutter. Bergsma discloses a shaving apparatus a plurality of rotary shaving elements (2, 4) and a trimmer (21). The trimmer

Art Unit: 3724

and the plurality of rotary shaving elements are both driven by a motor (6) and a gear system (see figures 1 and 2) such that the frequency of the trimmer and the RPMs of the rotary cutter can be selected independently (see column 2 lines 27-32). Further, Bergsma discloses that it is preferable to have the rotary shaving element be driven at a lower number of RPMs than the frequency of the trimmer so as to reduce wear, friction, heat, and noise (see column 1 lines 24-27). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the shaver of Tanaka to have the number of cycles per unit of time of the driven trimmer be higher than said number of revolutions per unit time of the at least one driven cutter in view of the teachings of Bergsma in order to reduce wear, friction, heat, and noise.

6. With respect to claim 5, Tanaka discloses a portion of the transmission structure for driving the trimmer branches off from a portion of the transmission structure for driving the cutters at a shaft coupled to be directly driven by the motor. The motor is coupled to the driving lever (82) through a linkage system, and thus a portion of the transmission structure branches off away from the main transmission structure.

### ***Response to Arguments***

7. Applicant's arguments, filed 3/9/09, with respect to the rejection(s) of claim(s) 1 under 25 USC 103 in the final office action dated 10/8/08 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of the additional reference of Bergsma.

***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSEPH DEFRANK whose telephone number is (571)270-3512. The examiner can normally be reached on Monday - Thursday; 9am-6pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3724

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Boyer D. Ashley/  
Supervisory Patent Examiner, Art Unit 3724

Joseph De Frank  
Examiner  
Art Unit 3724

JD  
6/3/09  
/J. D./  
Examiner, Art Unit 3724